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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar LOPEZ
Luis Felipe PULIDO-Jara

Defendant(s)

Magistrate Case No.

'08 MJ 0595

COMPLAINT FOR VIOLATION OF: OF CALIFORNIA

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) *Kavit* DEPUTY
Transportation of Illegal
AliensTitle 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

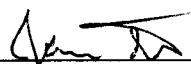
Count 1

On or about **February 26, 2008**, within the Southern District of California, defendant **Oscar LOPEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Noel Ernesto ALONSO-Navarro**, **Oralia ZARCO-Avalos**, and **Miriam HERNANDEZ-Rodriguez**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

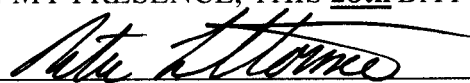
Count 2

On or about **February 26, 2008**, within the Southern District of California, defendant **Luis Felipe PULIDO-Jara**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Noel Ernesto ALONSO-Navarro**, **Oralia ZARCO-Avalos**, and **Miriam HERNANDEZ-Rodriguez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **FEBRUARY** **2008**.


Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

Oscar LOPEZ

Luis Felipe PULIDO-Jara

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Noel Ernesto ALONSO-Navarro**, **Oralia ZARCO-Avalos**, and **Miriam HERNANDEZ-Rodriguez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 26, 2008, Border Patrol Agent H. Simpson was assigned to a plain clothes anti smuggling unit based in Chula Vista, California. At approximately 11:15 a.m., San Diego Sector Dispatch reported via agency radio that the California Highway Patrol (CHP) had a vehicle stopped on the off ramp of 28th Street and Highway 94 and that they were requesting assistance from the United States Border Patrol for Immigration purposes.

Upon arriving at the scene, Agent Simpson met with Officer A. Rieve, #9915, who had stopped a white Nissan Maxima for excessive tint on the windows. There were four subjects sitting on the ground near the Nissan and one individual sitting in the back of a marked CHP patrol vehicle. Officer Rieve identified the subject in the back of the patrol car as the driver of the Nissan and informed Agent Simpson that the subject gave him the name Javier Nunez. The driver was later identified as the defendant #1 **Oscar LOPEZ**. The defendant had been ticketed for excessive tint and driving without a license.

Agent Simpson identified himself as a Border Patrol Agent and questioned the LOPEZ as to his citizenship and immigration status. LOPEZ freely admitted to being a citizen and national of Mexico illegally present in the United States. Agent Simpson place LOPEZ under arrest. Agent Simpson then identified himself as a Border Patrol Agent and questioned each individual sitting near the Nissan as to their citizenship and immigration status. All four also freely admitted to being citizens and nationals of Mexico illegally present in the United States. All four were arrested and transported along with the defendant to the Chula Vista Border Patrol Station for processing.

STATEMENT OF DEFENDANT #1: Oscar LOPEZ

On February 26, 2008, the defendant was advised of his Miranda Rights and was willing to answer questions without an attorney present. The defendant stated that his correct name is "Oscar LOPEZ" and freely admitted that he is a citizen of Mexico illegally present in the United States. The defendant stated that he illegally entered the United States approximately a month ago. The defendant stated that he met a friend of his cousin and made smuggling arrangements with him to be smuggled to the United States. The defendant stated that he agreed with the smuggler that he would work with him as a driver and pick up illegal aliens in lieu of his smuggling fees.

The defendant stated that today he was called and was told that he would be doing a job. He stated that he was given smuggling instructions and that a black man driving a green Chevrolet Astro-van picked him up at the motel he was staying. The defendant stated that from there he walked to an apartment complex nearby where he met a white man in a white Nissan Maxima. The defendant stated that the vehicle was already loaded with individuals. The defendant stated that he knew the individuals in the vehicle were illegal aliens.

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Oscar LOPEZ

Luis Felipe PULIDO-Jara

STATEMENT OF DEFENDANT#2 Luis Felipe PULIDO-Jara

The defendant was read the Miranda rights and was willing to answer questions without an attorney present. The defendant stated that his correct name is "Luis Felipe PULIDO-Juarez" and that he is a citizen of Mexico illegally present in the United States. The defendant admitted that he started alien smuggling/ foot guiding approximately a year and a half ago and has worked for several different individuals. The defendant stated that he usually smuggles anywhere from one to three individuals. The defendant stated that today he made smuggling arrangements to smuggle three individuals into the United States was he was to be paid \$500.00 dollars for each person.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Noel Ernesto ALONSO Navarro, Oralia ZARCO-Avalos and Miriam HERNANDEZ-Rodriguez** admitted in summary that they are citizens and nationals of Mexico illegally present in the United States. Each stated that they made arrangements in Mexico to be smuggled to various parts of the United States for fees ranging from \$2600.00 to \$3000.00 (US) each. The material witnesses stated that they entered the United States illegally with the aid of an alien smuggler/foot guide. They stated that the group walked for a period of time until they reached a road where a convenience store was near by. A white vehicle arrived soon after and they all got in. The load vehicle traveled for about 15 minutes until the police stopped it and they were arrested by Border Patrol.

The material witnesses were presented with photographic line ups. All three material witnesses were able to positively identify defendant#1 Oscar **LOPEZ** as the driver.

The material witnesses were also able to positively identify defendant #2 Luis Felipe **PULIDO-Jara** as the alien smuggler/foot guide that helped them illegally enter into the United States.